

#4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: APPLICATION OF

Jeffrey M. SPATZ

Application No.: 09/775,311

Filed: February 1, 2001

Title: MATERIAL HANDLER APPARATUS



: Group Art Unit: 3652

: Examiner: Unknown

: Certificate of Mailing Under C.F.R. §1.8

: I hereby certify that this correspondence and all marked
: attachments are being deposited with the United States
: Postal Service as first class mail in an envelope
: addressed to: Assistant Commissioner for Patents,
: Washington, D.C. 20231 on July 31, 2002.

: By: Kim A. Cabello

Kim A. Cabello

adjustment date: 10/16/2002 ENORMAN
08/06/2002 KZEWIDIE 00000038 09775311
01 FC:122 -130.00 OP

PETITION TO ACCEPT PAPERS

Hon. Commissioner of Patents
Washington, D.C. 20231
Attn: Petitions

Repln. Ref: 10/16/2002 ENORMAN 0018363300
DAH:033975 Name/Number:09775311
FC: 704 \$130.00 CR

Sir:

Applicants petition to submit papers to the United States Patent Office, these papers having been previously submitted under an incorrect serial number. This Petition should be granted in view of the following:

1. The above-identified application was filed by Pillsbury Winthrop, LLP on February 1, 2001.
2. The return receipt postcard was stamped with the USPTO barcode, application serial number 09/775,311 and the filing date of February 1, 2001 and returned. A true and correct copy of the Patent Office's return receipt postcard is attached hereto as Exhibit A.
3. On April 25, 2001 applicant submitted an Information Disclosure Statement, Form PTO-1449 and copies of cited references. Through inadvertence and clerical error the application serial number noted on the Information Disclosure Statement was incorrectly stated as 09/775,331. A true and correct copy of this submission is enclosed herewith as Exhibit B. A

08/06/2002 KZEWIDIE 00000038 09775311

01 FC:122

130.00 OP

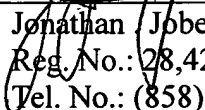
true and correct copy of the Patent Office's postcard indicating receipt of the submission of Exhibit B is attached hereto as Exhibit C.

4. On May 10, 2001 applicant responded to Notice to File Missing Parts of Nonprovisional Application dated March 16, 2001. Applicant submitted Filing Completion Under Rule 53(f) (in duplicate), applicant's original executed declaration, applicant's original executed assignment and assignment cover sheet, and check in the amount of \$880.00 in payment of the statutory basic filing fee, the surcharge for late filing of the declaration and the fee for recordation of the assignment. Through inadvertence and clerical error the application serial number noted on the Filing Completion Under Rule 53(f) was incorrectly stated as 09/775,331. A true and correct copy of this submission is enclosed herewith as Exhibit D. A true and correct copy of the postcard indicating receipt by the Patent Office of the submission of Exhibit D is attached hereto as Exhibit E.

Because the error was on the part of the applicant, applicant is enclosing a check in the amount of \$130.00 in payment of the petition fee under 37 C.F.R. 1.17(h). However, if any additional fee is due for submission of this Petition, the Honorable Commissioner is authorized to charge said fee to Deposit Account No. 03-3975 under Order No. 034062-0272031. A copy of this Petition is submitted in duplicate.

Respectfully submitted,
Pillsbury Winthrop LLP

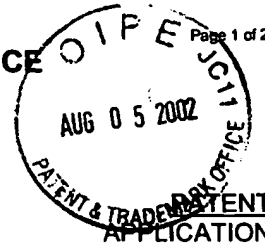
By: _____


Jonathan Jobe, Jr.
Reg. No.: 28,429
Tel. No.: (858) 509-4005
Fax No.: (858) 509-4010

Pillsbury Winthrop LLP
11682 El Camino Real, Suite 200
San Francisco, CA 94105

FILING COMPLETION UNDER RULE 53(f)

(NOT PCT Applications)
For Design, Provisional, or Utility Applications



COMPLETION Under
Rule 53(f)

In re PATENT APPLICATION of

Attn: Application Division

Inventor(s): Jeffrey M. Spatz

Appln. No.:

09

775,331

Atty.Dkt.

P

034062

272031

Series Code

Serial No.

M#

Client Ref

Filed: February 1, 2001

Title: MATERIAL HANDLER APPARATUS

Hon. Commissioner of Patents
Washington, DC 20231

Date: May 10, 2001

Sir:

The following completes the filing under Rule 53(f) of the above-identified patent application:

1. **Notice to File Missing Parts** ☒ copy attached ☐ not yet received
2. ☒ Signed Declaration attached. ☒ Original ☐ Facsimile/Copy

(Always "X" box 2 if filing signed Declaration and

"X" box 2A only if top box of the Declaration is X'd and file application copy, or

"X" box 2B only if none of the top three boxes of the Declaration is X'd.)

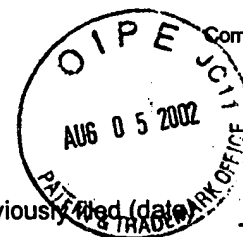
- 2A. ☐ Attached: Original signed Declaration with attached specification (including claim(s)) which is a copy of specification and claim(s) originally filed to secure the above filing date.
- 2B. ☐ The original application as filed in the PTO on the above filing date is the application which each inventor executed by signing the attached Rule 63 Declaration.
3. ☐ Specification originally filed in non-English language; hence verified translation attached of:
 - a. ☐ Abstract
 - b. # pages of Specification (only spec. & claims)
 - c. ☐ Drawing(s) No of Sheets
 - ☐ Fig(s).
4. ☐ Letter filing formal drawing attached.
5. ☒ Attached is an assignment and cover sheet. Please return the recorded assignment to the undersigned.
6. DOMESTIC/INTERNATIONAL priority is claimed under 35 USC 119(e)/120/365(c) based on the following provisional, nonprovisional and/or PCT international application(s):

Application No.	Filing Date	Application No.	Filing Date
(1)		(2)	
(3)		(4)	
(5)		(6)	

7. FOREIGN priority is claimed under 35 USC 119(a)-(d)/365(b) based on filing in

8.

Application No.	Filing Date	Application No.	Filing Date
(1)		(2)	
(3)		(4)	
(5)		(6)	



Completion Under Rule 53(b)

9. _____ (No.) Certified copy (copies): _____ ☐ attached; ☐ previously filed (date) _____
in U.S. Application No. _____ / _____ filed on _____
10. Small Entity Status ☐ ☒ is Not claimed ☐ is claimed (file PAT-256 if this is the first claim of Small Entity Status)
11. ☐ Attached:
12. ☐ Preliminary Amendment:

THE FOLLOWING FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY ABOVE CANCELLED

				Large/Small Entity		Fee Cod
13. Basic Filing Fee				Design Application	\$320/\$160	106/26
				Not Design Application	\$710/\$355	101/201
14. Total Effective Claims	14	minus 20 =	0	x \$18/\$9	+0	103/203
15. Independent Claims	2	minus 3 =	0	x \$80/\$40	+0	102/202
16. If <u>any proper</u> multiple dependent claim (ignore improper) is present, (Leave this line blank if this is a reissue application)				\$270/\$135	+0	104/204
17. Surcharge for filing Declaration/filing fee late				\$130/\$65	+130	105/205
18. FILING FEE ENCLOSED =				\$840		
19. Original due date: May 16, 2001						
20. Petition is hereby made to extend the <u>original</u> due date to cover the date this response is filed for which the requisite fee is attached				(1 mo)	\$110/\$55 =	115/215
				(2mos)	\$390/\$195 =	116/216
				(3mos)	\$890/\$445 =	117/217
				(4mos)	\$1390/\$695 =	118/218
21. If "non-English" box 3 is X'd, add Rule 17(k) processing fee				\$130	+0	139
22. If "assignment" box 5 is X'd, add recording fee.				\$40	+40	581
23. Petition Fee for				\$130	+0	
24. TOTAL FEE ENCLOSED =				\$880		

Our Deposit Account No. 03-3975

Our Order No. 034062 272031

C#

M#

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This **CHARGE STATEMENT** does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

Pillsbury Winthrop LLP
Intellectual Property Group

By Atty: Jonathan E. Jobe, Jr.

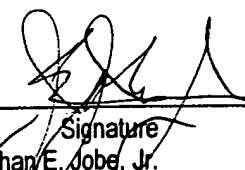
Reg. No. 28,429

50 Fremont Street
 San Francisco, CA 94105
 Tel: (415) 983-1000
 Atty/Sec: JEJ/KAC

Sig: 

Fax: (202) 822-0944
 Tel: (619) 544-3102

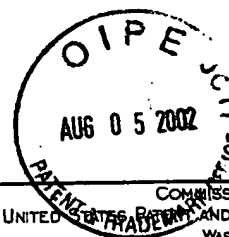
NOTE: File in duplicate with PTO receipt (PAT-103A) and attachm nts

RECORDATION FORM COVER SHEET PATENT APPLICATIONS & PATENTS ONLY					
TO THE ASSISTANT COMMISSIONER OF PATENTS AND TRADEMARKS: SIR: PLEASE RECORD THE ATTACHED ORIGINAL DOCUMENTS OR COPY THEREOF.					
1. NAME OF CONVEYING PARTY(IES) (ASSIGNORS(S)):			2.		
1. Jeffrey M. Spatz			4.		
3.			6.		
5.			8.		
7.					
ADDITIONAL NAME(S) OF CONVEYING PARTY(IES) ATTACHED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
2. PARTY(IES) (ASSIGNEE(S)) RECEIVING INTEREST:					
NAME: Hallmark Cards Incorporated					
ADDRESS: Kansas City, Missouri					
ADDITIONAL NAME(S) & ADDRESS(ES) ATTACHED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
3. NATURE OF CONVEYANCE (DOCUMENT): (Submit herewith <u>only one document</u> for recordation—multiple copies of same Assignment signed by different inventors is one document)					
<input checked="" type="checkbox"/> ASSIGNMENT OF		<input checked="" type="checkbox"/> WHOLE <input type="checkbox"/> PART INTEREST		EXEC. DATE: May 1, 2001	
<input checked="" type="checkbox"/> ORIGINAL		<input type="checkbox"/> FACSIMILE/PHOTOCOPY			
<input type="checkbox"/> CHANGE OF NAME		<input type="checkbox"/> VERIFIED TRANSLATION			
<input type="checkbox"/> SECURITY <input type="checkbox"/> MERGER		<input type="checkbox"/> OTHER:			
EXECUTION DATE(S) ON THE DECLARATION IF FILED HERewith: (NOTE: IF DATES ON DECLARATION AND ASSIGNMENT DIFFER SEE ATTY!) May 1, 2001					
4.5 APPL. NO.(S) OR PAT NO.(S). OTHERS ON ADDITIONAL SHEET(S) attached? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
A PAT APP NO(S) series/code/serial/no	M	1 INVENTOR (if not in item 1)	B PATENT NO(S)	M	1 INVENTOR (if not in item 1)
09/775,311		34062-272031			
5. Name & Address of Party to Whom Correspondence Concerning Document Should be Mailed: Pillsbury Winthrop LLP Intellectual Property Group 50 Fremont Street San Francisco, CA 94105 (415) 983-1000			6. NUMBER INVOLVED: APPLNS <u>1</u> + PATS <u>0</u> = TOTAL <u>1</u>		
			7. AMOUNT OF FEE ENCLOSED: (Code 581) ABOVE TOTAL x \$40 = \$40		
5.5 ATTY DKT:			8. IF ABOVE FEE IS MISSING OR INADEQUATE CHARGE INSUFFICIENCY TO DEPOSIT ACCOUNT NUMBER: 03-3975		
P 272031		34062	UNDER ORDER NO	34062	272031
MATTER NO.		CLIENT REF.	dup. sheet not required	CLIENT NO.	MATTER NO.
9.					
 Signature				10. Total number of pages including this cover sheet, attachments and document (do not file dup. Cover sheet)	
				3	
Attorney: Jonathan E. Jobe, Jr.			Date: May 10, 2001		
Reg. No. 28,429			FAX: (202) 822-0944		
Atty/Sec: JEJ/KAC			TEL: (619) 544-3102		

FILE WITH PTO RETURN RECEIPT (PAT-103A)



UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/775,311	02/01/2001	Jeffrey M. Spatz	PM034062 272031

CONFIRMATION NO. 8258

FORMALITIES LETTER



OC000000005873198

Phillsbury Winthrop LLP
Intellectual Property Group
Ninth Floor
1100 New York Avenue, N.W.
Washington, DC 20005-3918

Date Mailed: 03/16/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- The oath or declaration is missing.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 840.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PAT-103 11/00 PTO RECEIPT FOR INDICATED ITEMS

Atty JEJobe

Appln. No: 0 /New Application

Date 02-01-01

Inventor(s) Jeffrey M. SPATZ

C# 034062

Title: MATERIAL HANDLER APPARATUS

M# 272031

ENCLOSED:

☐ Amendment

1 No. of Pages Abstract

9 No. of Pages Spec and Claims

14 No. of numbered Claims only

☐ Declaration (___ #pgs)

☐ Assignment ☐ Cover Sheet

___ No. of Priority Documents

5 No. Sheets Drawings (Fig(s) 1 to 5) ☐ 1 set Formal

☐ IDS Letter ☐ cited Appl(s) ☐ Foreign sch rept./OA

☐ PTO-1449 ☐ cited docs.

\$ ___ Fee (Check)

Other: Request for Filing Application Under Rule 53(f) (No Declaration) in Duplicate; Specification Cover Sheet; Certificate of Mailing Via Express Mail Under 37 CFR Sect. 1.10; Return Postcard





PAT-103 3/01 PTO RECEIPT FOR INDICATED ITEMS

Atty JEJobe

Appln. No: 09/775,331

Date 04/25/01

Inventor(s) Jeffrey M. Spatz

C# 034062

Title: MATERIAL HANDLER APPARATUS

M# 272031

ENCLOSED:

☐ Amendment ☐ Appendix ☐ Cover sheet

___ No. of Pages Abstract

___ No. of Pages Spec and Claims

___ No. of numbered Claims only

☐ Declaration (___ #pgs)

☐ Assignment ☐ Cover Sheet

___ No. of Priority Documents

___ No. Sheets Drawings (Fig(s) 1 to ___) ☐ 1 set Formal

☒ IDS Letter ☐ cited Appl(s). ☐ Foreign sch rept./OA

☒ PTO-1449 ☒ cited docs.

\$ ___ Fee (Check)

Other: Return Postcard



CURRENT DUE DATE:



PAT-103 3/01 PTO RECEIPT FOR INDICATED ITEMS Atty JEJobe
Appln. No: 09/775,341 Date 05/10/01
Inventor(s) Jeffrey M. Spatz C# 034062
Title: MATERIAL HANDLER APPARATUS M# 272031

ENCLOSED:

☐ Amendment * ☐ Appendix ☐ Cover sheet

___ No. of Pages Abstract

___ No. of Pages Spec and Claims

___ No. of numbered Claims only

☒ Declaration (2 #pgs)

☒ Assignment ☒ Cover Sheet

___ No. of Priority Documents

___ No. Sheets Drawings (Fig(s) 1 to ___) ☐ 1 set Formal

☐ IDS Letter ☐ cited Appl(s). ☐ Foreign sch rept./OA

☐ PTO-1449 ☐ cited docs.

\$ 880.00 Fee (Check)

Other: Notice to File Missing Parts of Application - Part 2; Filing Completion
Under Rule 53(f) (in dupl.); and Return Postcard

CURRENT DUE DATE: 05/16/01



FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND BACK OF THIS DOCUMENT HAS ARTIFICIAL WATERMARK-HOLD AT ANGLE TO VIEW

BANK OF AMERICA
645 MONTGOMERY STREET
SAN FRANCISCO, CA 94104

PILLSBURY WINTHROP
101 West Broadway, Suite 1800
San Diego, CA 92101

300261

DATE	CHECK NUMBER	AMOUNT
05/10/2001	300261	\$880.00

EIGHT HUNDRED EIGHTY AND 00/100 DOLLARS

THE
PER OF Assistant Commissioner for Patents

[Signature]
PILLSBURY WINTHROP LLP
GENERAL ACCOUNT

VOID AFTER 90 DAYS

⑈ 300261 ⑈ ⑆ 121000358 ⑆ 14992 52024 ⑈

NDOR NO.	CHECK NO.	CHECK DATE	PILLSBURY WINTHROP LLP GENERAL ACCOUNT		
006377	300261	05/10/2001	Assistant Commissioner for Patents		
E NO.	INVOICE DATE	COMMENTS	INVOICE AMOUNT	DISCOUNT	NET
001	05/10/2001		880.00		880.00
		Totals:	\$880.00		\$880.00
TOTALS					

